

AO 120 (Rev. 2/99)

TO: Mail Stop 8 Director of the U.S. Patent & Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450	REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK
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In Compliance with 35 § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been
filed in the U.S. District Court Northern District of California on the following ☒ Patents or ☐ Trademarks:

DOCKET NO. CV 09-05926 MEJ	DATE FILED 12/17/09	U.S. DISTRICT COURT Northern District of California
PLAINTIFF ETAGZ INC		DEFENDANT QUIKSILVER INC
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 6,298,332		
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In the above—entitled case, the following patent(s) have been included:

DATE INCLUDED	INCLUDED BY	
	<input type="checkbox"/> Amendment <input type="checkbox"/> Answer <input type="checkbox"/> Cross Bill <input type="checkbox"/> Other Pleading	
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
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In the above—entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT

CLERK Richard W. Wieking	(BY) DEPUTY CLERK Gloria Acevedo	DATE December 21, 2009
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Copy 1—Upon initiation of action, mail this copy to Commissioner Copy 3—Upon termination of action, mail this copy to Commissioner
Copy 2—Upon filing document adding patent(s), mail this copy to Commissioner Copy 4—Case file copy

COPY

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FILED
09 DEC 17 PM 4:00
RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MEJ

SAN FRANCISCO DIVISION

ETAGZ, INC.

Case No. 09

5926

Plaintiff

v.

QUIKSILVER, INC.

COMPLAINT FOR PATENT
INFRINGEMENT

Defendant.

DEMAND FOR JURY TRIAL

Plaintiff, Etagz, Inc. ("Etagz"), by and through its attorneys, complains of Defendant, Quiksilver, Inc. ("Quiksilver"), and alleges as follows:

NATURE OF THE ACTION

1. This is an action for willful patent infringement by Quiksilver of Etagz' United States Patent No. 6,298,332 (the "'332 Patent") entitled "CD-Rom Product Label Apparatus and Method." The '332 Patent relates to an apparatus and method for attaching a computer readable medium as a label to merchandise at retail. Etagz notified Quiksilver in September 2006 of the '332 Patent and Quiksilver's infringing activity. Quiksilver represented to Etagz in approximately January 2007 that Quiksilver had only used computer readable material ("Product Label") in connection with the retail tag for one product and that Quiksilver would shortly be ceasing the use

1 of the Product Label and had no plans to continue the use of such Product Label. Instead,
2 Quiksilver has resumed its infringing activities of the '332 Patent.

3 **PARTIES**

4 2. Etagz, Inc. is an Indiana corporation, with its principal place of business in Provo,
5 Utah.

6 3. Etagz owns and has all right, title and interest in the '332 Patent including the right
7 to sue for and collect damages for past, present or future infringement and therefore has standing to
8 sue for infringement of the '332 Patent.

9 4. Quiksilver is a Delaware corporation with its corporate headquarters located at
10 15202 Graham Street, Huntington Beach, California.

11 **JURISDICTION**

12 5. This is a claim for patent infringement that arises under the patent laws of the
13 United States, including 35 U.S.C. §§271 and 281. This Court has exclusive subject matter
14 jurisdiction under 28 U.S.C. §1338.

15 **VENUE**

16 6. Etagz is informed and believes, and on the basis of that information and belief,
17 alleges that Quiksilver has committed acts of infringement within this judicial district and has a
18 regular and established place of business located in San Francisco, California which is within this
19 judicial district. Venue is proper in this district pursuant to 28 U.S.C. §1391 and §1400(b).

20 **COUNT ONE**

21 **Patent Infringement 35 U.S.C. §271 et seq.**

22 7. Etagz incorporates by this reference as if fully set forth herein paragraphs 1 through
23 6 inclusive.

24 8. The '332 Patent relates to an apparatus and method for attaching a computer
25 readable medium as a label to merchandise at retail.

1 F. Such other and further relief as this Court or a jury may deem proper.

2 **JURY DEMAND**

3 Etagz demands a trial by jury on all issues so triable.

4 Dated: December 17, 2009

Fergus, A Law Office

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6 By: 

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9 Counsel to Etagz

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13 *Pro Hac Vice* Application to be filed
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